

Remarks

This Response accompanies a Request for Continued Examination (RCE) filed for the present case. The Applicant has hereinabove provided amendments to the language of claims 1, 6-7 and 9, the cancellation without prejudice of claim 13, and the addition of new claims 18-21.

Independent claim 1 now generally features "*comparing the track profile for the first track to a predetermined threshold, and performing the determining step in relation to said comparison.*" Support for this includes the language of cancelled claim 13 and block 806 in FIG. 8.

Independent claim 6 now generally features "*determining a head positioning profile for a first track in relation to a track profile for the first track in combination with a track profile for a second track and a non-zero weighting value.*" Support for this includes the language of claim 9; the equation at page 6, line 21; and the specification at page 6, line 25 ("*Alpha [weighting value] is typically set to 0.5 in the preferred embodiment.*"). Dependent claim 9 has generally been amended to better conform to claim 6.

New claim 18 is an independent method claim that generally features "*comparing a track profile for a first track to a predetermined threshold, and determining a head positioning profile for the first track in relation to the track profile for the first track in response to said comparison.*" Support for this includes claim 1 above, as well as in the specification at page 8, lines 23-25 and page 10, lines 13-15. New claims 19-21 generally correspond to the subject matter of claims 1, 3 and 4 respectively.

These amendments are proper, do not introduce new matter and serve to place the application in proper condition for reconsideration and allowance.

For purposes of advancing the prosecution of the case, the Applicant provides the following comments on the objections and rejections of the claims set forth by the final Office Action.

Objection to Claim 15

Claim 15 was objected to for the use of the term "the track profile." The Applicant believes that the amendments to base claim 6 obviate this objection, and request reconsideration and withdrawal of the objection on this basis.

Rejection of Claims Under 35 U.S.C. §112

Claims 6-10, 15 and 16 were rejected under §112, first paragraph for failure to meet the written description requirement. More particularly, the Examiner identified the phrase "zero acceleration path (ZAP) information" as not being supported by the specification as originally filed.

While this rejection is respectfully traversed on the basis that the language was fully supported (see e.g., page 3, lines 12-14; page 8, lines 16-18), the Applicant has hereinabove substituted the language "track profile" therefor. Reconsideration and withdrawal of the rejection under §112, first paragraph are respectfully requested on this basis.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-3, 6, 8 and 14-16 were rejected under §102(e) as being anticipated by U.S. Patent No. 6,989,047 to Shishida et al. ("Shishida '047"). This rejection is respectfully traversed.

Shishida '047 at least fails to disclose a method comprising steps of "comparing a track profile for a first track to a predetermined threshold, and determining a head positioning profile in relation to said comparison," as now generally recited by claim 1. Instead, Shishida '047 merely determines an average repeated runout (RRO) value for a number of tracks and applies this value to reduce RRO effects. See e.g., col. 5, lines 17-41.

Thus, while Shishida '047 recognizes that RRO effects can induce track squeeze, Shishida '047 calculates and applies the compensation values in a global fashion. Shishida '047 fails to recognize that individual tracks can have significantly different track profile characteristics (see e.g., FIG. 2 of the present application), and fails to disclose a solution to this problem.

As cancelled dependent claim 13 was deemed allowable by the final Office Action, it is believed that claim 1 defines subject matter that is patentable over the art of record including Shishida '047. Reconsideration and withdrawal of the rejection of claim 1, and for the claims depending therefrom, are respectfully requested on this basis.

With regard to independent claim 6, Shishida '047 is silent with regard to disclosing "a head positioning profile for a first track in relation to a track profile for the first track in combination with a track profile for a second track and a non-zero weighting value." Instead, Shishida '047 merely averages RRO components for a number of tracks and applies this globally.

Accordingly, claim 6 is believed to define patentable subject matter over Shishida '047 and the other art of record. Reconsideration and withdrawal of the rejection of claim 6, as well as for the claims depending therefrom, are therefore respectfully requested.

Newly Added Claims 18-21

Pursuant to 37 CFR 1.111, new claims 18-21 are also believed to be patentable over the art of record. Shishida '047 and the other art of record fail to disclose, teach or suggest *"comparing a track profile for a first track to a predetermined threshold, and determining a head positioning profile for the first track in relation to the track profile for the first track in response to said comparison"* as set forth by claim 18. Claims 19-21 are believed to be patentable on the basis that these claims depend from a patentable base claim.

Allowable Subject Matter

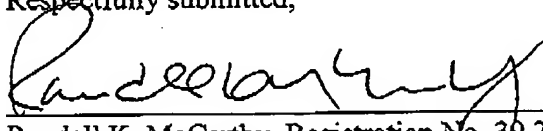
The Applicant gratefully acknowledges the allowance of claims 11, 12 and 17, and the indication of allowability of dependent claims 4, 5, 7, 9, 10 and 13.

Conclusion

This Response and the accompanying RCE is intended to be a complete response to the final Office Action mailed January 18, 2006. The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application.

Respectfully submitted,

By:



Randall K. McCarthy, Registration No. 39,297
Mitchell K. McCarthy, Registration No. 38,794
Fellers, Snider, Blankenship, Bailey and Tippens
100 N. Broadway, Suite 1700
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-0621
Facsimile: (405) 232-9659